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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,980	08/15/2006	Jack Gustavsson	1516-1005	1500
<small>465</small> YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			<small>7590</small> EXAMINER BOSWELL, CHRISTOPHER J	
			<small>03/16/2009</small> ART UNIT 3673	PAPER NUMBER
			MAIL DATE 03/16/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,980

Applicant(s)

GUSTAVSSON, JACK

Examiner

CHRISTOPHER BOSWELL

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 7/14/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The title of the invention should be placed at the top of the first page of the specification unless it is provided in the application data sheet (see 37 CFR 1.76). The title should be brief but technically accurate and descriptive and should contain fewer than 500 characters. Inasmuch as the words “new,” “improved,” “improvement of,” and “improvement in” are not considered as part of the title of an invention, these words should not be included at the beginning of the title of the invention and will be deleted when the Office enters the title into the Office’s computer records, and when any patent issues. Similarly, the articles “a,” “an,” and “the” should not be included as the first words of the title of the invention and will be deleted when the Office enters the title into the Office’s computer records, and when any patent issues.

Claim Objections

Claim 2 is objected to because of the following informalities: In line 4 the limitation “fur-” is recited. The examiner believes this limitation to be --furthermore-- and will be examined accordingly. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: The steps to construct a security container.

Further claim 1 is indefinite because it is set forth that the claim is directed to a method. However, the body of the claim sets forth structure and not method steps, therefore it is unclear if this claim is directed to a method or a product.

Further, the term "arbitrary shape" in claim 1 is a relative term which renders the claim indefinite. The term "arbitrary shape" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. This is an unduly broad limitation. It would not be clear to one of ordinary skill in the art what an "arbitrary shape" is.

Claim 1 recites the limitation "and if necessary" in line 4. It is unclear as to if the end piece is required as the limitation is continually recited in claim 1. To further prosecution, the examiner believes this limitation to be needed.

Claim 2 recites the limitation "and/or" in lines 3, 5 and 6. It is unclear as to if the basic modules have the same shape, different shapes or both. Additionally, it is also unclear as to if the use of bails or hooks are both required or not. The examiner suggests the language --and which furthermore are equipped with at least one of bails and hooks for extern apply of lifting means, said at least one of bails and hooks attachment into the basic module have an intentionally limited strength.--

Claim 6 recites the limitation "and/or" in line 3. It is unclear as to if the use of scantlings or metal pipes are both required or not. The examiner suggests the language --between the metal casings at least one of several scantlings and metal pipes are arranged with reinforcing irons therein--.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,386,122 to Alizade.

Alizade discloses a method to construct a security container (20) of an arbitrary shape by using at least one basic module (figure 1C), at least one floor element (40), at least one ceiling element (30), side wall elements (70) and if necessary one end piece (60), wherein the side wall element and end piece are mounted between the floor element and the ceiling element at the basic module (figures 1A-1C), characterized in that it to the basic module in addition is attached one door section (21) equipped with a lock device (24) in connection to end piece side wall element in such a way that it does not, to a great extend is impaired by gaps or other points of attack for bringing in tools between the different parts (figure 1A), as in claim 1.

Alizade also discloses a module kit to be used in carrying out the method according to claim 1, characterized in that the basic module of the same or of different shapes and with a certain maximal weight (column 7, lines 53-60), and which furthermore are equipped with bails (58) for an extern apply of lifting means, the bails their attachment into the basic module have an intentionally limited strength (the tensile strength of the material the security bolt box is manufactured from), as in claim 2, and the door section, in its closed position, have parts protruding into behind adjacent side elements, and, in a locked position, has looking means protruding into the lower element and into the ceiling element (column 7, lines 7-25), as in claim 3.

Alizade further discloses that at least the wall sections have outer and inner casings of metal (86), and that an intermediate space is partially filled with concrete (100), as in claim 4, as well as in between the metal casings several metal pipes (90) are arranged with reinforcing irons

therein (94), as in claim 6, and a security container (20) constructed according to the method according to claim 1, as in claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alizade, as applied above, in view of U.S. Patent Number 4,158,338 to Dippold et al.

Alizade discloses the invention substantially as claimed. However, Alizade does not disclose the concrete in the wall sections of the security container has a ballast of rubber pieces. Dippold et al. teaches of a safe consisting of wall panels having two laminar units each including a core layer of particulate, sintered, aluminum oxide, a perforated metal shell enveloping the layer, and a continuous mass consisting essentially of elastomeric material enveloping the shell and extending into the layer through the perforations of the shell (column 2, lines 38-49) in the same field of endeavor for the purpose of making the safe burglar resistant (column 1, lines 15-40). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an elastomeric material, as taught by Dippold et al. into the concrete of Alizade in order to have the security container more resistant to unauthorized access.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alizade, as applied above, in view of U.S. Patent Number 4,704,880 to Schlindwein.

Alizade discloses the invention substantially as claimed. Alizade discloses a protected locking device (24) for a container assembled of a module, as disclosed above, arranged in connection to a door section (via apertures 88). However, Alizade does not disclose at least two of each other independent locking devices. Schlindwein teaches a locking device (14) for a container (10) where at least two independent locking devices are arranged in connection to a door section (12) in which at least one primary locking device (24) will protect against admission to a secondary head locking device (22), as in claim 7, wherein the primary locking device has the shape of a mortise lock (figures 2-4) of the bayonet catch type hiding the secondary head locking device (), as in claim 8, in the analogous art of safe locking assemblies for the purpose of securely retaining the door in a closed position to thwart unauthorized access. Because both Alizade and Schlindwein teach methods for locking the door of a secure container, it would have been obvious to one with ordinary skill in the art to substitute the locking device in Alizade with the dual-locking device of Schlindwein to achieve the predictable result of safely locking assemblies for the purpose of securely retaining the door in a closed position to thwart unauthorized access.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to security containers consisting of a plurality of structural units:

U.S. Patent Number 6,736,473 to Cleveland et al., U.S. Patent Number 6,273,007 to Alizade, U.S. Patent Number 5,813,174 to Waller, U.S. Patent Number 5,490,468 to Polensky, U.S. Patent Number 5,377,514 to Robbins et al., U.S. Patent Number 5,152,231 to Preston et al., U.S. Patent Number 5,069,358 to Avery, Jr., U.S. Patent Number 4,721,227 to Hughes et al., U.S. Patent Number 4,455,801 to Merritt, U.S. Patent Number 2,492,422 to Govan, U.S. Patent Number 1,759,723 to Weld.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3673

/Patricia L Engle/
Supervisory Patent Examiner,
Art Unit 3673

CJB /cb/
March 9, 2009